

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BANK OF NEW YORK MELLON,

Plaintiff,

v.

SOUTHERN HIGHLANDS COMMUNITY
ASSOCIATION, et al.,

Defendants.

Case No. 2:15-cv-01711-JCM-CWH

ORDER

Presently before the court is defendant SFR Investment Pool 1, LLC's ("SFR") motion for demand for security of costs.¹ (Doc. # 7). Defendant filed the motion on September 24, 2015. As of this date, plaintiff Bank of New York Mellon, as trustee of the Alternative Loan Trust 2006-OA2, Mortgage Pass Through Certificates Series 2006-OA2 ("BNY") has not filed any opposition.

In its motion, defendant asks that plaintiff, as a non-resident of the State of Nevada, be required to file a bond for security of costs in the amount of \$500.00, pursuant to Nevada statute NRS 18.130, for defendant's costs and charges which may be awarded. (Doc. # 7). "It is the policy of the United States District Court for the District of Nevada to enforce the requirements of NRS 18.130 in diversity actions." *Feagins v. Trump Organization*, 2012 WL 925027 (D. Nev.)(citing *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305-6 (D. Nev. 1983); *Arrambide v. St. Mary's Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D. Nev. 1986)). Furthermore, plaintiff has not opposed the motion.

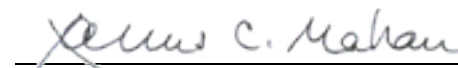
¹ SFR styled its motion as a notice. However, because this is a federal court, a defendant seeking a bond for security of costs under NRS 18.130 under Nevada law must *move* this court for demand of security costs, not simply notice the parties. Without an order, the clerk of court will not accept a cash deposit. That being the case, the court construes SFR's notice as a motion.

1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant SFR
3 Investments Pool 1, LLC's motion for demand for security of costs, (doc. # 7), be, and the same
4 hereby is, GRANTED.

5 IT IS FURTHER ORDERED that plaintiff shall post a cost bond in the amount of \$500.00
6 or make a cash deposit of \$500 as to defendant SFR Investment Pool 1, LLC within 7 days of the
7 entry of this order.

8 DATED THIS 22nd day of October, 2015.

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11 JAMES C. MAHAN
12 UNITED STATES DISTRICT JUDGE
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